

**ASSEMBLY, No. 540**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblyman ROY FREIMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblyman CLINTON CALABRESE**

**District 36 (Bergen and Passaic)**

**Assemblyman WILLIAM W. SPEARMAN**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Concerns certain sales of alcoholic beverages at farm markets.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 3/7/2022)**

1 AN ACT concerning certain sales of alcoholic beverages at farm  
2 markets, and amending P.L.2021, c.15.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 9 of P.L.2021, c.15 (C.33:1-98) is amended to read as  
8 follows:

9 9. a. As used in this section:

10 "Roadside farm stand" means a location owned by a single farmer  
11 or producer at which the farmer or producer sells agricultural  
12 products only from the farmer's or producer's farm directly to  
13 consumers.

14 "【Seasonal farm】 Farm market" means a premises or facility  
15 utilized for the primary purpose of selling predominately agricultural  
16 or horticultural products 【, and which is annually closed to business  
17 during an off-season for a period of not less than 90 continuous  
18 days】.

19 b. The Director of the Division of Alcoholic Beverage Control  
20 may, in accordance with regulations or a special ruling issued  
21 pursuant to this section, issue to the holder of a limited brewery  
22 license, restricted brewery license, craft distillery license, plenary  
23 winery license, farm winery license, or cidery and meadery license,  
24 as established pursuant to R.S.33:1-10, a daily or annual permit to  
25 sell any of the licensee's products in original containers at a  
26 【seasonal】 farm market for consumption off of the premises of the  
27 【seasonal】 farm market. The licensee shall obtain a separate permit  
28 for each 【seasonal】 farm market at which the licensee intends to sell  
29 its products. The director shall not issue a permit pursuant to this  
30 section for use in connection with a roadside farm stand.

31 c. Subject to regulation or special ruling, a licensee issued a  
32 permit pursuant to this section may:

33 (1) transport the licensee's products in original containers for the  
34 purpose of selling them at a 【seasonal】 farm market; and

35 (2) offer samples for sampling purposes to persons of the legal  
36 age to consume alcoholic beverages in the amounts authorized  
37 pursuant to R.S.33:1-10 during each day the 【seasonal】 farm market  
38 is operating.

39 A licensee or the licensee's employee shall be responsible for  
40 checking valid forms of identification to properly verify that  
41 consumers are of legal age to sample, consume, or purchase the  
42 licensee's products at a farm market.

43 d. A daily permit shall be valid for the hours during which a  
44 【seasonal】 farm market is open within the 24-hour period for which

EXPLANATION – Matter enclosed in bold-faced brackets 【thus】 in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the daily permit is issued. An annual permit shall be valid for one  
2 year from the date of issuance. The director may renew a permit,  
3 provided the permit holder continues to hold a limited brewery  
4 license, restricted brewery license, craft distillery license, plenary  
5 winery license, farm winery license, or cidery and meadery license,  
6 as applicable.

7 e. Notwithstanding any law or regulation to the contrary, the  
8 director may establish a fee, in an amount determined by the director,  
9 for the issuance and renewal of a permit under this section.

10 f. The Director of the Division of Alcoholic Beverage Control  
11 shall issue a special ruling or adopt regulations necessary to  
12 effectuate the purposes of this section. Regulations shall be effective  
13 immediately upon filing with the Office of Administrative Law for a  
14 period not to exceed 18 months, and may, thereafter, be amended,  
15 adopted or readopted in accordance with the provisions of the  
16 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
17 1 et seq.).

18 (cf: P.L.2021, c.15, s.9)

19  
20 2. This act shall take effect immediately.

## 21 22 23 STATEMENT

24  
25 This bill concerns certain sales of alcoholic beverages at farm  
26 markets.

27 Currently, the provisions of section 9 of P.L.2021, c.15, applies to  
28 seasonal markets. This bill amends the current law in order for the  
29 law's provisions to apply to all farm markets, regardless of a farm  
30 markets seasonal status. Additionally, the bill requires that a licensee  
31 or the licensee's employee in a farm market would be responsible for  
32 checking valid forms of identification to properly verify that  
33 consumers are of legal age to sample, consume, or purchase the  
34 licensee's products at a farm market.